

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. _____

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
BARRETT FARMS POULTRY PROCESSING FACILITY, PHASE I
LAKE COUNTY

WHEREAS, Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes within the region that could affect the quality of waters of the State shall file a Report of Waste Discharge (RWD); and

WHEREAS, Barrett Farms submitted a Report of Waste Discharge on 2 August 2007; and

WHEREAS, Barrett Farms is located at 1625 Soda Bay Road in Finley (APN 008-007-080) as depicted on Attachment A, which forms part of this Resolution by reference; and

WHEREAS, the property consists of (a) approximately 16.5 acres with 7.4 acres used as a walnut orchard and 4.3 acres of pastureland, (b) a 1,200 square foot one story building constructed and used for the processing up to 20,000 chickens annually, and (c) a 780 square foot wastewater filtering plant. A total of three covered chicken barns with concrete floors each measuring approximately 4,000 square feet will also be constructed onsite; and

WHEREAS, during Phase I, the poultry manure generated in the covered barns (estimated to be approximately 25 to 38 tons per year) will be contained on the concrete floors. The manure will be collected using a loader and shovel and hauled offsite for disposal; and

WHEREAS, during Phase I, Barrett Farms plans to process approximately 400 chickens on a weekly basis. Approximately 2,750 gallons per day of wastewater will flow via gravity into grates, screens and trench drains installed on the concrete floor of the poultry processing building and then into two 2,000 gallon and one 4,000 gallon fiberglass watertight underground holding tanks; and

WHEREAS, the wastewater level in the 4,000 gallon holding tank will be monitored by a float switch with an audible and visible alarm that will notify the operator when one foot below the top of the tank is reached. An effluent filter will be placed at the outlet of each of the initial tanks to help retain any solids within the tanks; and

WHEREAS, the wastewater and residual solids generated from wastewater will be transported to a wastewater treatment facility such as Lake County Sanitation or East Bay Municipal Utility District; and

WHEREAS, the solid wastes from the poultry processing facility including feathers, offal and blood are diverted into sealed containers for offsite hauling to a rendering facility such as North State Rendering in Chico; and

WHEREAS, surface water drainage from the site is to Rumsey Slough and Adobe Creek, which both drain to Clear Lake; and

WHEREAS, the designated beneficial uses of Clear Lake, as stated in the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (hereafter Basin Plan) , are municipal and domestic supply; agricultural supply; industrial service supply; water contact recreation; noncontact water recreation; warm freshwater habitat, cold freshwater habitat; spawning, reproduction, and/or early development; and wildlife habitat; and

WHEREAS, the designated beneficial uses of the groundwater are municipal and domestic supply, agricultural supply, and industrial service supply; and

WHEREAS, on 23 October 2007, Lake County Community Development Department certified an Initial Study/Mitigated Negative Declaration for the Barrett Farms Poultry Processing Facility with the following findings: (a) potential environmental impacts related to air quality have been mitigated to insignificant levels by minor use permit conditions, (b) potential environmental impacts related to water quality have been mitigated to insignificant levels by Use Permit Conditions, (c) this project is consistent with land uses in the vicinity, (d) this project is consistent with the Lake County General Plan and Zoning Ordinance, and (e) as mitigated, this project will not result in any significant adverse environmental impacts; and

WHEREAS, Barrett Farms submitted a Notice of Non-Applicability on 10 September 2007 indicating that they were not required to obtain coverage under the State Board's Water Quality Order No. 97-03-DWQ National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities; and

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against public interest; and

WHEREAS, the Regional Water Board has determined that the wastewater and residual solids generated from the poultry processing facility will be transported via a licensed waste hauler to a wastewater treatment facility and therefore there that there will be no threat to water quality; and

WHEREAS, Section 13267(b) of the CWC provides that: *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports;”* and

WHEREAS, the attached Monitoring and Reporting Program No. ____ is necessary to assure compliance with this Resolution. The Discharger owns and operates the facility that discharges the waste subject to this Resolution; and

WHEREAS, Barrett Farms will generate the waste subject to the terms and conditions of this waiver and will maintain exclusive control over the discharge. Michael Barrett owns the land and is primarily responsible for compliance with the conditions of this Resolution; and

WHEREAS, the Regional Board held a hearing on ____ in Rancho Cordova, CA and considered all evidence concerning this matter:

RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region, waives waste discharge requirements for Phase I of the Barrett Farms poultry processing project, subject to the following conditions:

Discharge Prohibitions:

1. The discharge shall neither degrade the quality of waters of the state nor create or threaten to create a condition of pollution, contamination, or nuisance as defined by CWC Section 13050.
2. The discharge of waste classified as “hazardous” under Title 23, California Code of Regulations (CCR), Section 2521 or as “designated” under CWC Section 13173 is prohibited.
3. Process wastewater may not be placed or stored in any impoundment (i.e., pond) and/or discharged to any septic tank/leachfield system.
4. The discharge of waste to surface water or surface water drainage courses is prohibited.

5. The bypass or overflow of the process wastewater from the watertight holding tank(s) is prohibited.
6. The application of manure to land is prohibited unless allowed by Waste Discharge Requirements issued by the Regional Water Board.

Discharge Specifications:

1. All process wastewater must be contained in watertight holding tank(s) in such a manner that the wastewater does not contact the ground.
2. The process wastewater must be removed from the holding tank(s) before capacity is reached by a licensed waste hauler.
3. All process wastewater must be discharged to a permitted treatment facility or septage receiving station. The Discharger shall obtain a receipt for the transported waste from either the licensed septic hauler or the receiving facility.
4. The discharge shall not cause a condition of pollution or nuisance as defined by the California Water Code, Section 13050.
5. Objectionable odors originating at the discharge areas shall not be perceivable beyond the limits of those areas.
6. The Discharger shall operate all systems and equipment to optimize the quality of the discharge to the holding tanks.
7. All wastes from the poultry processing facility including feathers, offal and blood must be diverted into sealed containers for offsite hauling to a permitted rendering facility.
8. All sludge and/or scum that generated from the poultry processing facility must be removed and transported by a licensed waste hauler to a permitted disposal site that will accept the waste. The Discharger shall obtain a signed receipt from the licensed waste hauler and the permitted disposal facility.
9. All poultry manure generated at facility must be removed and transported by a manure hauler to a destination that will accept the waste. The Discharger shall obtain a signed receipt from the hauler and the facility that accepts the waste.

Provisions:

1. Pursuant to Section 13267 of the California Water Code, the Discharger shall comply with the monitoring and reporting requirements as described in Monitoring and

Reporting Program No. _____. In so doing, the Discharger shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements," dated 1 March 1991, which are attached hereto and made part of this Order by reference.

2. Michael Barrett will generate the waste subject to the terms and conditions of this waiver and will maintain exclusive control over the discharge.
3. This Resolution only applies to Phase I of the project, and provides no guarantee of future individual WDRs for a waste discharge to land.

RESOLVED, that this action waving waste discharge requirements is conditional and may be terminated at any time. This waiver expires on 25 January 2013. The Discharger must submit a new RWD at least 120 days before the expiration date to obtain a new waiver if they wish to continue the discharge after the expiration date.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer